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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | CR. NO. 14-00826 LEK |
| |) | |
| Plaintiff, |) | MOTION TO DISQUALIFY COUNSEL; |
| |) | MEMORANDUM IN SUPPORT OF |
| vs. |) | MOTION; EXHIBITS "1"- "3"; |
| |) | CERTIFICATE OF SERVICE |
| ALBERT S.N. HEE, |) | |
| |) | |
| Defendant. |) | |
| |) | |

MOTION TO DISQUALIFY COUNSEL

Comes now the United States of America, by and through its counsel, Florence T. Nakakuni, United States Attorney, for the District of Hawaii, and her representative, Leslie E. Osborne, Jr., Assistant United States Attorney, and moves this Court for an order disqualifying Kurt Kawafuchi and his law firm, Hochman, Salkin, Rettig, Toscher & Perez, P.C. (hereinafter “Hochman firm”) from representing Defendant Albert S.N. Hee in this matter. The grounds for the disqualification are that (1) Mr. Kawafuchi will be an essential witness at the trial, both to serve as the custodian of records authenticating records of corporations and trusts controlled by the Defendant, and to refute a potential “reliance” defense in the case, and (2) all members of the Hochman firm will labor under divided loyalties to their firm and the Defendant should a reliance defense be asserted.

This motion is based on the files and records of this case, and is supported by the attached memorandum and such argument as the Court may entertain.

Dated: January 26, 2015 at Honolulu, Hawaii.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

By /s/ Leslie E. Osborne, Jr.
LESLIE E. OSBORNE, JR.
LAWRENCE L. TONG
Assistant U.S. Attorney